

**S. 1285**

IN THE SENATE OF THE UNITED STATES

Mr. HARKIN (by request) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

# A BILL

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*  
3 That this Act may be cited as the “Technology-Related  
4 Assistance for Individuals with Disabilities Amendments  
5 of 1993”.

## FINDINGS AND PURPOSE

7 SEC. 2. Section 2(b) of the Technology-Related As-  
8 sistance for Individuals With Disabilities Act of 1988 (29

1 U.S.C. 2201 et seq.; hereinafter referred to as “the Act”)  
2 is amended—

3 (1) in paragraph (1)—

4 (A) in the material that precedes subpara-  
5 graph (A), by inserting “comprehensive,” after  
6 “implement a”;

7 (B) in subparagraph (B), by striking out  
8 “policies, practices, and procedures” and insert-  
9 ing in lieu thereof “laws, regulations, policies,  
10 practices, procedures, and organizational struc-  
11 tures”;

12 (C) in subparagraph (C), by striking out  
13 “of and funding for the provision of” and in-  
14 serting in lieu thereof “of, access to, provision  
15 of, and funding for”;

16 (D) in subparagraph (F), by striking out  
17 “and” at the end thereof;

18 (E) in subparagraph (G), by striking out  
19 the period at the end thereof and inserting in  
20 lieu thereof a semicolon and “and”; and

21 (F) by adding at the end thereof a new  
22 subparagraph to read as follows:

23 “(H) increase the involvement of individ-  
24 uals with disabilities (and, if appropriate, their  
25 family members, guardians, advocates, and au-

thorized representatives) in the planning, development, implementation, and assessment of technology-related assistance programs, and in decisions related to the provision of assistive technology devices and assistive technology services.”;

(2) in paragraph (3)—

(A) in subparagraph (A), by striking out “, information, and training and public awareness” and inserting in lieu thereof “and information”; and

(B) by striking out subparagraph (B) and inserting in lieu thereof a new subparagraph to read as follows:

“(B) other assistance needed to ensure that the comprehensive, consumer-responsive statewide system developed with Federal support under this Act will continue after such support has ended.”; and

(3) by adding at the end thereof a new paragraph to read as follows:

“(4) To promote systems change, in order to facilitate access to, provision of, and funding for technology-related assistance to individuals with disabilities.”.

## 1 DEFINITIONS

2 SEC. 3. Section 3 of the Act is amended—

3 (1) by adding at the end thereof three new  
4 paragraphs to read as follows:5 “(9) CONSUMER-RESPONSIVE.—The term  
6 ‘consumer-responsive’ means—7 “(A) accessible to individuals with disabil-  
8 ities and, if requested or required by such indi-  
9 viduals, their family members, guardians, advo-  
10 cates, or authorized representatives;11 “(B) meeting the needs of individuals with  
12 disabilities in a timely and appropriate manner;  
13 and14 “(C) facilitating the full participation and  
15 inclusion of individuals with disabilities in deci-  
16 sions relating to—17 (i) the provision of assistive tech-  
18 nology devices and assistive technology  
19 services to particular individuals; and20 (ii) the planning, development, imple-  
21 mentation, and assessment of the statewide  
22 system of technology-related assistance to  
23 individuals with disabilities.24 “(10) PROTECTION AND ADVOCACY SERV-  
25 ICES.—The term ‘protection and advocacy services’



means services that are authorized under part C of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6041 et seq.), the Protection and Advocacy for Mentally Ill Individuals Act of 1986 (42 U.S.C. 10801 et seq.), and section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e) and that assist individuals with disabilities and their family members, guardians, advocates, and authorized representatives to gain access to assistive technology devices and assistive technology services.

“(11) **SYSTEMS CHANGE.**—The term ‘systems change’ means reform that results in laws, regulations, policies, procedures, practices, or organizational structures that facilitate access to, provision of, and funding for assistive technology devices and assistive technology services to individuals with disabilities and other appropriate individuals or organizations, in order to empower individuals with disabilities to achieve greater independence, productivity, and inclusion within the community and the work force.”; and

(2) by striking out paragraph (4); and

(3) by redesignating paragraphs (3), (5), (6), (7), (8), (9), (10), and (11) as paragraphs (4), (6), (7), (9), (10), (3), (5), and (8), respectively.

## MANDATED ACTIVITIES

SEC. 4. Section 101 of the Act is amended by striking out subsection (b) and inserting in lieu thereof a new subsection to read as follows:

“(b) MANDATED ACTIVITIES.—Any State that receives a grant under this title shall undertake activities to implement systems change, as defined in section 3. These activities shall include—

“(1) a review and, where appropriate, modification of laws, regulations, policies, practices, procedures, and organizational structures that affect access to, provision of, and funding for assistive technology devices and assistive technology services;

“(2) coordination among State agencies, in order to facilitate access to, provision of, and funding for assistive technology devices and assistive technology services; and

“(3) information dissemination and other activities, including training, that empower individuals with disabilities to obtain technology-related assistance and that facilitate a consumer-responsive system.”.

## AUTHORIZED ACTIVITIES

SEC. 5. Section 101(c) of the Act is amended—

1           (1) in the material preceding paragraph (1), by  
2       striking out “functions described in subsection (b)”  
3       and inserting in lieu thereof “purposes of this Act”;

4           (2) in paragraph (1)—

5               (A) in subparagraph (B), by adding “and”  
6       at the end thereof;

7               (B) by striking out subparagraph (C); and

8               (C) by redesignating subparagraph (D) as  
9       subparagraph (C);

10          (3) in paragraph (2)—

11               (A) by striking out subparagraph (G); and

12               (B) by redesignating subparagraphs (H)  
13       and (I) as subparagraphs (G) and (H), respec-  
14       tively;

15          (4) in paragraph (4)—

16               (A) in subparagraph (B), by striking out  
17       “and” at the end thereof;

18               (B) in subparagraph (C), by striking out  
19       the period at the end thereof and inserting in  
20       lieu thereof a semicolon and “and”; and

21               (C) by adding at the end thereof a new  
22       subparagraph to read as follows:

23               “(D) outreach activities to underserved  
24       groups.”

25          (5) in paragraph (6)—

1 (A) by inserting after the first sentence, a  
 2 new sentence to read as follows: "The informa-  
 3 tion system may be organized on an interstate  
 4 basis or as part of a regional consortium of  
 5 States, thereby facilitating the establishment of  
 6 compatible, linked information systems."; and

7 (B) by striking out "preceding sentence"  
 8 and inserting in lieu thereof "preceding sen-  
 9 tences";

10 (6) by redesignating paragraph (8) as para-  
 11 graph (15); and

12 (7) by inserting after paragraph (7) seven new  
 13 paragraphs to read as follows:

14 "(8) ALTERNATIVE STATE-FINANCED SYS-  
 15 TEMS.—The State may support development and im-  
 16 plementation of alternative State-financed systems of  
 17 subsidies or loan mechanisms for the provision of  
 18 assistive technology devices and assistive technology  
 19 services to individuals with disabilities who need but  
 20 cannot afford such devices or services without assist-  
 21 ance, including—

22 "(A) a loan system for assistive technology  
 23 devices;

24 "(B) a low-interest loan fund;

25 "(C) a revolving fund;



1                   “(D) a loan insurance program; and

2                   “(E) a partnership with private entities for  
3           the purchase, lease, or other acquisition or pro-  
4           vision of such devices or services.

5           “(9) SUPPORT FOR EXPENSES.—The State may  
6    use funds under this title for program-related ex-  
7    penses of individuals with disabilities who are in-  
8    volved in the planning, development, implementation,  
9    or assessment of the statewide system, including  
10   payments for travel, qualified interpreters, readers,  
11   personal care assistants, and other services needed  
12   for participation by these individuals.

13           “(10) DEMONSTRATION OF EQUIPMENT.—The  
14   State may support a program of demonstration and  
15   try-outs of assistive technology devices, including a  
16   mechanism that allows the ultimate user of such de-  
17   vice to use that device on a trial basis prior to its  
18   purchase, in order to determine whether the device  
19   meets the needs of that user.

20           “(11) PARTNERSHIPS.—The State may support  
21   partnerships with private non-profit and for-profit  
22   agencies and organizations to promote greater par-  
23   ticipation by business and industry in the develop-  
24   ment, demonstration, and distribution of assistive  
25   technology devices, and in the on-going provision of

1 information about new assistive technology devices  
2 to assist individuals with disabilities.

3 “(12) CASE MANAGEMENT.—The State may  
4 provide case management services to help individuals  
5 with disabilities to identify and obtain access to the  
6 assistive technology devices and assistive technology  
7 services they need, including, as appropriate, sources  
8 of funding to obtain such devices and services.

9 “(13) ADA ASSISTANCE.—The State may sup-  
10 port activities to assist employers and others who  
11 are subject to the requirements of the Americans  
12 with Disabilities Act of 1990 (42 U.S.C. 12111 et  
13 seq.) on the uses of technology-related assistance to  
14 meet the requirements of that Act.

15 “(14) RECYCLING ACTIVITIES.—The State may  
16 support activities, including the establishment of in-  
17 formation systems and recycling centers, for the re-  
18 distribution of assistive technology devices and other  
19 devices that may be used to create assistive tech-  
20 nology devices.”.

21 APPLICATION REQUIREMENTS

22 SEC. 6. (a) DESIGNATION OF RESPONSIBLE EN-  
23 TITY.—Section 102(e)(1) is amended—

24 (1) by redesignating subparagraphs (A) through  
25 (F) as clauses (i) through (vi);

1 (2) by inserting the subparagraph designation  
2 “(A)” after “DESIGNATION OF RESPONSIBLE EN-  
3 TITY.—”; and

4 (3) by adding at the end thereof the following  
5 new subparagraph:

6 “(B) The entity designated under subpara-  
7 graph (A) shall provide evidence of its ability  
8 to—

9 “(i) exercise leadership in identifying  
10 and responding statewide to the assistive  
11 technology needs of all individuals with dis-  
12 abilities in the State;

13 “(ii) promote and accomplish systems  
14 change;

15 “(iii) promote and accomplish public-  
16 private partnerships and interagency co-  
17 ordination;

18 “(iv) promote consumer confidence,  
19 responsiveness, and advocacy; and

20 “(v) exercise leadership in developing  
21 and implementing effective strategies for  
22 capacity building, including training, and  
23 enhancement of access to funding.

24 “(C) Subparagraph (B) shall apply only at  
25 the time that a State is applying for a grant

1           under this title, or wishes to redesignate its re-  
2           sponsible State entity.”.

3           (b) AGENCY INVOLVEMENT AND COORDINATION.—

4   Section 102(e)(2) of the Act is amended—

5           (1) by inserting “AND COORDINATION” after  
6           “INVOLVEMENT”;

7           (2) by inserting the subparagraph designation  
8           “(A)” after “AND COORDINATION.—”;

9           (3) by striking out the period at the end of sub-  
10          paragraph (A) and inserting in lieu thereof a comma  
11          and “including the identification of the available re-  
12          sources and the responsibility of each agency for  
13          providing assistive technology devices and assistive  
14          technology services; and”; and

15          (4) by adding at the end thereof a new subpara-  
16          graph to read as follows:

17                 “(B) an assurance that the State will co-  
18                 ordinate its activities under this grant with  
19                 State councils established under the Devel-  
20                 opmental Disabilities Assistance and Bill of  
21                 Rights Act, the Individuals with Disabilities  
22                 Education Act, section 1916(e) of the Public  
23                 Health Service Act, and the Rehabilitation Act  
24                 of 1973.”.



1 (c) CONSUMER INVOLVEMENT.—Section 102(e)(3) of  
2 the Act is amended to read as follows:

3 “(3) CONSUMER INVOLVEMENT.—A description  
4 of—

5 “(A) the nature and extent of involvement  
6 of individuals with disabilities, their family  
7 members, guardians, advocates, authorized rep-  
8 resentatives, and other appropriate individuals  
9 in—

10 “(i) the development of the applica-  
11 tion for a grant under this Act;

12 “(ii) the designation of the responsible  
13 entity described in paragraph (1);

14 “(iii) the development of the plan for  
15 systems change described in paragraph (6);  
16 and

17 “(iv) the annual assessment described  
18 in paragraph (7);

19 “(B) the process the State engaged in (in-  
20 cluding outreach activities to obtain input from  
21 underserved groups) to obtain input on its ap-  
22 plication and plan for systems change from the  
23 individuals described in paragraph (A), a sum-  
24 mary of the comments that State received from  
25 such individuals, and an analysis of how the

1 State addressed these comments in preparing  
2 its application and plan for systems change;  
3 and

4 “(C) the ways in which the State will pro-  
5 mote the involvement of individuals with dis-  
6 abilities or, if appropriate, their family mem-  
7 bers, guardians, advocates, or authorized rep-  
8 resentatives in—

9 “(i) decisions relating to the provision  
10 of assistive technology devices and assistive  
11 technology services to particular individ-  
12 uals; and

13 “(ii) the planning, development, im-  
14 plementation, and assessment of the state-  
15 wide system of technology-related assist-  
16 ance.”.

17 (d) PLAN FOR SYSTEMS CHANGE.—Section  
18 102(e)(6) of the Act is amended to read as follows:

19 “(6) PLAN FOR SYSTEMS CHANGE.—A descrip-  
20 tion of—

21 “(A) the goals and objectives for achieving  
22 systems change within the State, and the  
23 State’s plan for accomplishing these goals and  
24 objectives, including a description of how the

1 State will carry out the systems change activi-  
2 ties required under section 101(b); and

3 “(B) the gaps that remain in the develop-  
4 ment or implementation of a comprehensive,  
5 consumer-responsive statewide system of tech-  
6 nology-related assistance, and a description of  
7 the strategies that the State will pursue during  
8 the grant period to remedy these gaps.”.

9 (e) ASSESSMENT.—Section 102(e)(7) of the Act is  
10 amended to read as follows:

11 “(7) ASSESSMENT.—An assurance that the  
12 State will conduct an annual assessment of the  
13 statewide system of technology-related assistance, in  
14 order to determine—

15 “(A) the extent to which the State’s goals  
16 and objectives for systems change, as identified  
17 in the State plan under paragraph (6), have  
18 been achieved; and

19 “(B) the areas of need that require atten-  
20 tion in the next year.”

21 (f) ADDITIONAL REQUIREMENTS.—Section 102(e) of  
22 the Act is amended—

23 (1) by redesignating paragraph (17) as para-  
24 graph (21); and

1 (2) by inserting after paragraph (16) new para-  
2 graphs to read as follows:

3 “(17) UNDERSERVED GROUPS.—A description  
4 of how the State will address the needs of individ-  
5 uals with disabilities who are part of an underserved  
6 group, as defined in section 3, including a descrip-  
7 tion of the State’s plan to conduct outreach activi-  
8 ties to these individuals.

9 “(18) TRAINING.—An assurance that the State  
10 will develop and implement strategies for incorporat-  
11 ing training on assistive technology in the training  
12 that the State provides, using State or Federal  
13 funds, to special education teachers and related serv-  
14 ices personnel, rehabilitation professionals, and other  
15 appropriate service providers.

16 “(19) CONSUMER ASSISTANCE, PROTECTION,  
17 AND ADVOCACY.—Assurances that the State will—

18 “(A) provide protection and advocacy serv-  
19 ices, as required under section 106, using not  
20 less than the amount specified by the Secretary  
21 each fiscal year for this purpose; and

22 “(B) inform individuals with disabilities,  
23 or, if appropriate, their family members, guard-  
24 ians, advocates, or authorized representatives,  
25 or the availability of protection and advocacy



1 services, and of assistance under the client as-  
 2 sistance program authorized under section 112  
 3 of the Rehabilitation Act of 1973 (29 U.S.C.  
 4 732).

5 “(20) INDIRECT COSTS.—An assurance that no  
 6 more than 15 percent of grant funds will be used for  
 7 indirect costs.

#### 8 EXTENSION GRANTS

9 SEC. 7. (a) ADDITIONAL GRANT; CORRECTIVE AC-  
 10 TION.—Section 103(a) of the Act is amended—

11 (1) by inserting the paragraph designation  
 12 “(1)” and “INITIAL EXTENSION GRANT.—” after  
 13 “GENERAL AUTHORITY.—”;

14 (2) by striking out “implementing” and all that  
 15 follows through the end thereof and inserting in lieu  
 16 thereof “implementing a comprehensive, consumer-  
 17 responsive statewide system of technology-related as-  
 18 sistance that incorporates the mandatory activities  
 19 required by section 101(b) and other activities facili-  
 20 tating systems change.”;

21 (3) by adding at the end thereof two new para-  
 22 graphs to read as follows:

23 “(2) ADDITIONAL EXTENSION GRANT.—The  
 24 Secretary may award an additional extension grant,  
 25 of not more than 5 years, to any State that dem-  
 26 onstrates to the Secretary that the State—

1           “(A) has made significant progress in  
2           meeting the goals of the initial extension grant  
3           it received under paragraph (1); and

4           “(B) needs additional Federal support to  
5           complete systems change activities and achieve  
6           the purposes of this Act.

7           “(3) LACK OF SIGNIFICANT PROGRESS.—If the  
8           Secretary determines that, at the time that the State  
9           applies for an extension grant under paragraph (1)  
10          or an additional extension grant under paragraph  
11          (2), the State has not made significant progress to  
12          warrant award of the applicable grant, the State  
13          may be subject to penalties or the Secretary may re-  
14          quire the State to carry out a corrective action plan,  
15          as provided in section 201(b).”.

16          (b) APPLICATION REQUIREMENTS.—Section 103(c)  
17          of the Act is amended—

18               (1) in the phrase preceding paragraph (1), by  
19               striking out “under this section” and all that follows  
20               through the colon and inserting in lieu thereof  
21               “under subsection (a)(1) or an additional extension  
22               grant under subsection (a)(2) shall submit an appli-  
23               cation that contains the information and assurances  
24               required for a development grant described in sec-  
25               tion 102(e), except the preliminary needs assessment

1 described in section 102(e)(4). The State shall follow  
2 the requirements for the designation or redesigna-  
3 tion of a responsible entity under subparagraphs (B)  
4 and (C) of section 102(e)(1). The application for an  
5 initial extension grant or additional extension grant  
6 shall also contain the following:";

7 (2) in paragraph (1), by striking out "families  
8 or" and inserting in lieu thereof "the family mem-  
9 bers, guardians, advocates, or authorized";

10 (3) by amending paragraph (2) to read as fol-  
11 lows:

12 "(2) ACTIVITIES AND PROGRESS UNDER PRE-  
13 VIOUS GRANT.—A description of the specific activi-  
14 ties carried out under the development grant re-  
15 ceived under section 102, or, if applicable, under the  
16 extension grant received under subsection (a)(1), in-  
17 cluding a description of the relationship of these ac-  
18 tivities to, and the progress made toward, the devel-  
19 opment and implementation of a comprehensive,  
20 consumer-responsive statewide system of technology  
21 related-assistance.";

22 (4) in paragraph (4)—

23 (A) in subparagraph (B), by inserting  
24 "under section 102 or the extension grant

1 under section 103(a)(1), as appropriate” after  
2 “development grant”; and

3 (B) in subparagraph (C), by inserting  
4 “under section 102 or the extension grant  
5 under section 103(a)(1), as appropriate” after  
6 “development grant”;

7 (5) by striking out paragraph (6); and

8 (6) by redesignating paragraph (7) as para-  
9 graph (6).

10 (c) ONGOING EFFORTS AND FEDERAL CONTRIBU-  
11 TION.—Section 103 of the Act is amended by adding at  
12 the end thereof two new subsections to read as follows:

13 “(d) APPLICATION FOR ADDITIONAL EXTENSION  
14 GRANT.—Any State that desires to receive an extension  
15 grant under section 103(a)(2) shall submit an application  
16 that contains, in addition to the requirements set forth  
17 in subsection (c), a description of the steps it has taken  
18 or will take to continue on a permanent basis a com-  
19 prehensive, consumer-responsive statewide system of tech-  
20 nology-related assistance to individuals with disabilities,  
21 which system shall be able to maintain, at a minimum,  
22 the activities mandated in section 101(b).

23 “(e) FEDERAL AWARD FOR ADDITIONAL GRANT.—  
24 (1) The amount awarded to a State under subsection  
25 (a)(2) for the fourth year of the grant period shall not



1 exceed 80 percent of the amount awarded to the State for  
2 the third year of the grant period.

3 “(2) The amount awarded to a State under sub-  
4 section (a)(2) for the fifth year of the grant period shall  
5 not exceed 60 percent of the amount awarded to the State  
6 for the third year of the grant period.”.

7 PROGRESS REPORTS

8 SEC. 8. Section 104 of the Act is amended to read  
9 as follows:

10 **“SEC. 104. PROGRESS REPORTS.**

11 “Any State that receives a grant under this title shall  
12 annually submit to the Secretary a report that—

13 “(1) describes the progress the State has made,  
14 as determined in the State’s annual assessment, in  
15 achieving the State’s goals and objectives for sys-  
16 tems change, as identified in the State plan under  
17 section 102(e)(6), and areas of need that require at-  
18 tention in the next year;

19 “(2) analyzes the laws, regulations, policies,  
20 practices, procedures, and organizational structures  
21 that the State has changed, has attempted to  
22 change, or will attempt to change during the next  
23 grant period, to facilitate the accessibility, provision,  
24 or funding of assistive technology devices and  
25 assistive technology services;

1           “(3) describes any written policies and proce-  
2           dures that the State has developed and implemented  
3           relating to the accessibility, provision, and funding  
4           of assistive technology devices and assistive tech-  
5           nology services, including policies and procedures re-  
6           lating to the accessibility, provision, and funding of  
7           such devices and services under special education,  
8           rehabilitation, and medical assistance programs;

9           “(4) describes any interagency agreements that  
10          the State has developed and implemented relating to  
11          accessibility, provision, and funding of assistive tech-  
12          nology devices and assistive technology services, in-  
13          cluding agreements that identify available resources  
14          for assistive technology devices and assistive tech-  
15          nology services and the responsibility for providing  
16          for such devices and services;

17          “(5) describes activities undertaken to dissemi-  
18          nate information about the documents or activities  
19          analyzed or described in paragraphs (1) through (4),  
20          including outreach activities to underserved groups;

21          “(6) describes the involvement of individuals  
22          with disabilities in the planning, development, imple-  
23          mentation, and assessment of the statewide system,  
24          including activities undertaken to improve such in-

1 involvement, such as consumer training and outreach  
2 activities; and

3 “(7) describes unanticipated problems with the  
4 achievement of the State’s plan for systems change  
5 and activities the State has undertaken or plans to  
6 undertake to rectify these problems.”.

7 STATE AND NATIONAL RESPONSIBILITIES

8 SEC. 9. The Act is amended—

9 (1) in title II—

10 (A) by amending the heading to read as  
11 follows: “**STATE AND NATIONAL RE-**  
12 **SPONSIBILITIES**”; and

13 (B) by repealing parts A through D; and

14 (2) by redesignating sections 105, 106, and  
15 107, as sections 201, 204, and 202, respectively.

16 SYSTEMS CHANGE PLANS; PROTECTION AND ADVOCACY

17 SEC. 10. Title I of the Act is amended by adding at  
18 the end thereof two new sections to read as follows:

19 “**SEC. 105. TIMETABLE FOR SYSTEMS CHANGE PLAN.**

20 “Any State that receives a grant under this title shall  
21 transmit to the Secretary a plan for systems change, as  
22 described in section 102(e)(6), by the earlier of—

23 “(1) 12 months after enactment of the Tech-  
24 nology-Related Assistance Amendments of 1993”; or

1           “(2) the date on which the State submits an  
2           application for an extension grant under section  
3           103(a)(1) or 103(a)(2).

4   **“SEC. 106. PROTECTION AND ADVOCACY SERVICES.**

5           “(a) IN GENERAL.—Each State receiving a grant  
6           under this title shall provide protection and advocacy serv-  
7           ices relating to technology-related assistance to individuals  
8           with disabilities, using not less than the amount specified  
9           by the Secretary for this purpose, as provided in sub-  
10          section (b).

11          “(b) CALCULATION OF EXPENDITURES.—(1) For fis-  
12          cal years 1994 through 1996, the Secretary shall calculate  
13          the minimum amount each State receiving a grant under  
14          this title shall use to provide protection and advocacy serv-  
15          ices, based on the same ratio as the population of that  
16          State bears to the population of all States receiving funds  
17          under this title, subject to paragraph (2).

18          “(2) For fiscal years 1994 through 1996—

19               “(A) such minimum amount shall be not less  
20               than \$40,000 or greater than \$100,000; and

21               “(B) the total amount specified by the Sec-  
22               retary to be used by States for such services shall  
23               be not less than \$2,500,000.

24          “(3) For fiscal year 1997, the minimum amount spec-  
25          ified for each State by the Secretary shall equal 80 percent



1 of the minimum amount specified to be used for fiscal year  
2 1996 for such purpose.

3 “(4) For fiscal year 1998, the minimum amount spec-  
4 ified for each State by the Secretary shall equal 60 percent  
5 of the minimum amount specified to be used for fiscal year  
6 1996 for such purpose.

7 “(c) SELECTION OF ORGANIZATION.—(1) Except as  
8 provided under paragraph (2), from the minimum amount  
9 specified by the Secretary under subsection (b) and such  
10 other funds as the State may allocate, the responsible  
11 State entity designated under section 102(e)(1) shall  
12 award a contract or grant to the entity established for pro-  
13 tection and advocacy services under the Developmental  
14 Disabilities Assistance and Bill of Rights Act (42 U.S.C.  
15 6041 et seq.).

16 “(2)(A) The responsible State entity may select an  
17 organization other than the entity specified in paragraph  
18 (1), if the responsible State entity—

19 “(i) can demonstrate good cause for such selec-  
20 tion, to the satisfaction of the Governor; and

21 “(ii) has given the entity specified in paragraph  
22 (1) and individuals with disabilities, or, as appro-  
23 priate, their family members, guardians, advocates,  
24 or authorized representatives, 30 days notice of its  
25 intention to make such a selection, including an ex-

1 planation for making such a selection, and an oppor-  
 2 tunity to respond to the assertion that good cause  
 3 has been shown.

4 “(B) The entity specified under paragraph (1) may  
 5 appeal the selection provided in subparagraph (A) to the  
 6 Secretary on the basis that the selection was not for good  
 7 cause.

8 “(d) TERRITORIES.—For purposes of this section,  
 9 the term ‘State’ does not include the Virgin Islands,  
 10 Guam, American Samoa, the Commonwealth of the North-  
 11 ern Mariana Islands, or the Republic of Palau.”.

#### 12 ASSISTANCE UNDER OTHER LAWS

13 SEC. 11. Section 201(c) of the Act (as redesignated  
 14 in section 9 of this Act) is amended—

15 (1) by inserting “any other Federal laws, in-  
 16 cluding” after “under”; and

17 (2) in paragraph (3), by striking out “or” and  
 18 inserting in lieu thereof “and”.

#### 19 EVALUATION AND DATA COLLECTION

20 SEC. 12. Section 202 of the Act (as redesignated in  
 21 section 9 of this Act) is amended—

22 (1) by striking out subsections (a) and (b);

23 (2) by redesignating subsection (c) as sub-  
 24 section (a); and

25 (3) by adding at the end thereof a new sub-  
 26 section to read as follows:

1       “(b) OTHER EVALUATION AND DATA COLLECTION  
 2 ACTIVITIES.—The Secretary may conduct such evaluation  
 3 activities as the Secretary deems necessary to monitor the  
 4 progress of States and evaluate program effectiveness. In  
 5 order to conduct such activities, the Secretary may collect  
 6 data and other types of information from States receiving  
 7 grants under this Act, or from other sources.”.

8                               TECHNICAL ASSISTANCE

9       SEC. 13. Title II of the Act is amended by inserting  
 10 after section 202 a new section to read as follows:

11   **“SEC. 203. TECHNICAL ASSISTANCE AND INFORMATION.**

12       “(a) TECHNICAL ASSISTANCE.—(1) The Secretary  
 13 shall provide technical assistance with respect to the plan-  
 14 ning, development, implementation, and assessment of  
 15 comprehensive, consumer-responsive statewide systems of  
 16 technology-related assistance. Such assistance shall  
 17 include—

18               “(A) the provision of information and technical  
 19 assistance regarding—

20               “(i) effective approaches to carrying out  
 21 the activities mandated under section 101(b);

22               “(ii) effective approaches to carrying out  
 23 the activities authorized under section 101(c),  
 24 including effective approaches to carrying out  
 25 outreach activities to underserved groups;

1           “(iii) mechanisms for making a successful  
2           transition from planning for systems change to  
3           its development and implementation, including  
4           mechanisms for assessing the effectiveness of  
5           the system;

6           “(iv) Federal, State, and local laws, regula-  
7           tions, and practices that facilitate access to,  
8           provision of, and funding for, assistive tech-  
9           nology devices and assistive technology services;  
10          and

11          “(v) State and local initiatives that are di-  
12          rected toward achieving the goals of this Act;  
13          and

14          “(B) such other activities as the Secretary con-  
15          siders appropriate.

16          “(2) The Secretary shall make such assistance avail-  
17          able to—

18               “(A) States;

19               “(B) organizations providing client assistance  
20          or protection and advocacy services for individuals  
21          with disabilities; and

22               “(C) other appropriate public or private organi-  
23          zations or agencies.

24          “(b) INFORMATION AND DISSEMINATION.—(1) The  
25          Secretary shall periodically collect, analyze, and dissemi-



1 nate, on a national basis, information on Federal, State,  
2 and local policies and decisions (including decisions as a  
3 result of administrative or judicial hearings) that relate  
4 to obtaining funding for assistive technology devices and  
5 assistive technology services for individuals with disabili-  
6 ties.

7 “(2) The Secretary shall make such information  
8 available to—

9 “(A) States;

10 “(B) organizations providing client assistance  
11 or protection and advocacy services for individuals  
12 with disabilities;

13 “(C) other appropriate public or private organi-  
14 zations or agencies;

15 “(D) individuals with disabilities and their fam-  
16 ily members, guardians, advocates, and authorized  
17 representatives;

18 “(E) individuals who work in appropriate public  
19 or private organizations (including insurers);

20 “(F) employers; and

21 “(G) other appropriate individuals.”.

22 AUTHORIZATION OF APPROPRIATIONS

23 SEC. 14. (a) IN GENERAL.—Section 204(a) of the  
24 Act (as redesignated in section 9 of this Act) is amended  
25 by striking out “title \$9,000,000” and all that follows  
26 through the end thereof and inserting in lieu thereof “Act

1 \$37,744,000 for fiscal year 1994 and such sums as may  
2 be necessary for each of the fiscal years 1995 through  
3 1998.”.

4 (b) RESERVATION OF FUNDS.—Section 204(b) of the  
5 Act is amended—

6 (1) in paragraph (1)—

7 (A) by striking out “reserve 1 percent”  
8 and inserting in lieu thereof “reserve at least 2  
9 percent”;

10 (B) by striking out “\$500,000” and insert-  
11 ing in lieu thereof “not less than \$1,500,000”;  
12 and

13 (C) by striking out “States” and all that  
14 follows through the end thereof and inserting in  
15 lieu thereof “technical assistance and informa-  
16 tion, as required by section 203.”; and

17 (2) in paragraph (2)—

18 (A) by striking out “ONSITE VISITS” and  
19 inserting in lieu thereof “REVIEW AND EVALUA-  
20 TION”; and

21 (B) by striking out “conducting” and all  
22 that follows through the end thereof and insert-  
23 ing in lieu thereof “reviewing participating  
24 States, as required by section 201(a), including  
25 the conduct of onsite visits and use of field

1 readers, and evaluating State programs, as pro-  
2 vided in section 202, including data collection  
3 activities.”.

4 TECHNICAL AND CONFORMING AMENDMENTS

5 SEC. 15. The Act is further amended—

6 (1) by striking out “the Trust Territory of the  
7 Pacific Islands” each place it appears and inserting  
8 in lieu thereof “the Republic of Palau (until the  
9 Compact of Free Association with Palau takes ef-  
10 fect)”;

11 (2) by striking out “statewide program” each  
12 place it appears and inserting in lieu thereof “state-  
13 wide system”;

14 (3) by striking out “statewide programs” each  
15 place it appears and inserting in lieu thereof “state-  
16 wide systems”;

17 (4) in section 1, by striking out “With” and in-  
18 serting in lieu thereof “with”;

19 (5) in section 3—

20 (A) in paragraph (2), by striking out “in-  
21 dividual with a disability” and inserting in lieu  
22 thereof “individual with disabilities”;

23 (B) in paragraph (7), by striking out  
24 “functions performed and”; and

25 (C) in paragraph (8), by striking out  
26 “have” and inserting in lieu thereof “has”;

1 (6) in section 101—

2 (A) in subsection (a), by striking out “of  
3 Education”; and

4 (B) in subsection (c)—

5 (i) in paragraph (4), by striking out  
6 “a program” each place it appears and in-  
7 serting in lieu thereof “program”;

8 (ii) in paragraph (6)(B), by striking  
9 out “sources, conditions of and criteria  
10 for” and inserting in lieu thereof “sources,  
11 and conditions of, and criteria for,”; and

12 (iii) in paragraph (7), by striking out  
13 “of all ages”;

14 (7) in section 102—

15 (A) by striking out “under section 106”  
16 each place it appears and inserting in lieu  
17 thereof “under section 204”;

18 (B) in subsection (c)(3)(C), by striking out  
19 “State relating to the development of a state-  
20 wide” and inserting in lieu thereof “State or  
21 territory concerned relating to the development  
22 of a statewide or territory-wide”; and

23 (C) in subsection (e)—



1 (i) in paragraph (4), by striking out  
2 “tentative” and inserting in lieu thereof  
3 “preliminary”;

4 (ii) in paragraph (6)—

5 (I) by striking out “FUNC-  
6 TIONS,”;

7 (II) by striking out “functions,”;

8 and

9 (III) by striking out “section  
10 2(b)(1)” and inserting in lieu thereof  
11 “section 2(b)”; and

12 (iii) in paragraph (10), by striking out  
13 “title” and inserting in lieu thereof “Act”;

14 (8) in section 103, in subsection (b), by striking  
15 out “under section 106” each place it appears and  
16 inserting in lieu thereof “under section 204”;

17 (9) in section 201 (as redesignated in section 9  
18 of this Act)—

19 (A) in subsection (a)(3)—

20 (i) by inserting a comma after “mini-  
21 mum”; and

22 (ii) by striking out “section 2(b)(1)”  
23 and inserting in lieu thereof “section  
24 2(b)”; and

25 (B) in subsection (c)—

1 (i) by striking out “in this title” and  
2 inserting in lieu thereof “in this Act”; and

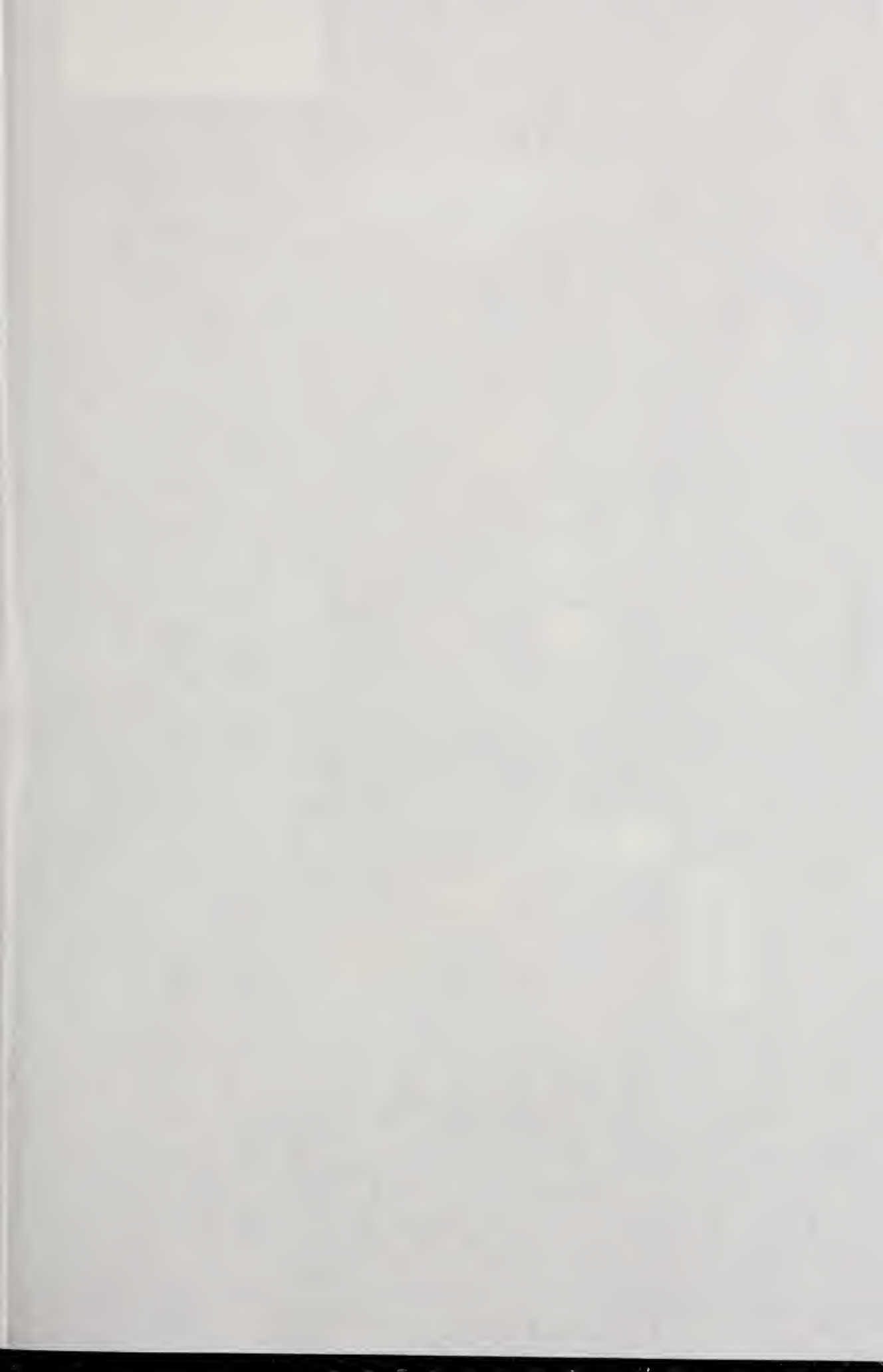
3 (ii) by inserting a comma after “avail-  
4 able” and “eligibility”; and

5 (10) in section 202(a) (as redesignated in sec-  
6 tion 9 of this Act), by striking out “this title” and  
7 inserting in lieu thereof “title I”.

8 EFFECTIVE DATE

9 SEC. 16. This Act shall take effect on October 1,  
10 1993.

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